

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARK FREGIA,

Plaintiff,

v.

MIRANDA, *et al.*,

Defendants.

Case No. 1:21-cv-01068-JLT-BAM (PC)

**ORDER RESETTING DEADLINE FOR
PLAINTIFF TO FILE OBJECTIONS TO
MARCH 8, 2023 FINDINGS AND
RECOMMENDATIONS**

TWENTY-ONE (21) DAY DEADLINE

Plaintiff Mark Fregia (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds against Defendants Ridge and Savage based on Plaintiff’s claims that Defendants were deliberately indifferent to Plaintiff’s serious medical needs by continuing to prescribe medications that caused him to suffer lichen planus, and then failed to treat such skin condition.

On November 29, 2022, Plaintiff filed a notice to the Court regarding his property. (ECF No. 89.) Plaintiff then filed a request for emergency injunction and stay of further proceedings on December 27, 2022, (ECF No. 90), and a motion for Defendant Ridge to obtain his own counsel on January 5, 2023, (ECF No. 91).

On March 8, 2023, the Court issued an order finding no merit to Plaintiff’s argument that the Attorney General’s representation of Defendant Ridge created a conflict of interest, and denying Plaintiff’s motion to stay the proceedings in this action. (ECF No. 92.) The Court also

1 issued findings and recommendations to deny Plaintiff's request for injunctive relief, and directed
2 Plaintiff to file any objections within fourteen days. (*Id.*)

3 On March 23, 2023, in lieu of objections, Plaintiff filed a notice of appeal regarding the
4 March 8, 2023 order and findings and recommendations. (ECF No. 93.) On April 10, 2023,
5 Plaintiff also filed a motion requesting an extension of time to file his objections to the findings
6 and recommendations until twenty-one days after the ruling of the Ninth Circuit on his pending
7 appeal. (ECF No. 97.) The Court granted the request for extension of time to file objections to
8 the findings and recommendations on April 17, 2023. (ECF No. 98.)

9 On April 20, 2023, the Ninth Circuit issued an order dismissing Plaintiff's appeal for lack
10 of jurisdiction, because the March 8, 2023 order and findings and recommendations are not final
11 or appealable. (ECF No. 99.)

12 Accordingly, IT IS HEREBY ORDERED that Plaintiff's objections to the Court's March
13 8, 2023 findings and recommendations, (ECF No. 92), are due within **twenty-one (21) days** from
14 the date of service of this order.

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16 IT IS SO ORDERED.

17 Dated: April 24, 2023

18 /s/ Barbara A. McAuliffe
19 UNITED STATES MAGISTRATE JUDGE
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